IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 122 OF 2005

Hi-Fatigue Springs Private Limited & Ors. ...Petitioners

Versus

Bank of Baroda ...Respondent

Mr. Shyam Diwan with Mr. K.R. Khata instructed by M/s. Dhru & Co. for the Petitioners

Mr. Rabindra Hazari for the Respondent.

CORAM: **DALVEER BHANDARI, C.J., &**
DR. D.Y. CHANDRACHUD, J.
DATE: AUGUST 23, 2005.

P.C.:-

1. In this petition, the petitioners are challenging the orders of the Debts Recovery Tribunal and the Debts Recovery Appellate Tribunal, rejecting the petitioners' application for direction to the respondent, Bank of Baroda, to provide 3 missing bank statements.

2. The details of missing bank statements are as follows:-

1. Term Loan	:	28-11-1985 to 1-1-1986
2. Book Debt 70154	:	28-11-1985 to 1-1-1990
3. Hypothecation 70156	:	28-11-1985 to 30-6-1986

3. We have heard the learned counsel for the parties. We would not like to spend judicial time in adjudicating the controversy whether, in fact, the respondent should provide the missing bank statements or not, because the learned counsel appearing for the bank has agreed to supply the missing bank statements to the petitioners on payment of usual charges. In view of this statement of the learned counsel for the respondent, no further directions are necessary in this petition.

4. As a matter of fact, at the very first instance, the bank should have provided the missing bank statements, so that the bank could have avoided delay of the petitioners' approaching the Debts Recovery Tribunal, the Debts Recovery Appellate Tribunal and this Court. At times, a reasonable and pragmatic approach can avert unnecessary and avoidable litigation.

5. This petition is accordingly disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.